

U.S. District Court
Southern District of Illinois (East St. Louis)
CIVIL DOCKET FOR CASE #: 3:18-cv-01939-SMY-MAB

Mabie v. US Attorneys Office et al
Assigned to: Judge Staci M. Yandle
Referred to: Magistrate Judge Mark A. Beatty
Cause: 05:552 Freedom of Information Act

Date Filed: 10/12/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff**William Mabie**

represented by **William Mabie**
35831-044
AUSP THOMSON
1100 One Mile Road
PO Box 1001
Thomson, IL 61285
PRO SE

V.

Defendant

US Attorneys Office
EDMO

represented by **Nicholas J. Biersbach**
Assistant U.S. Attorney – Fairview Heights
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Fairview Heights, IL 62208
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**FBI**

represented by **Nicholas J. Biersbach**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**US Bureau of Prisons**

represented by **Nicholas J. Biersbach**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|--|
| 10/12/2018 | <u>1</u> | COMPLAINT against All Defendants filed by William Mabie.(cjo) (Entered: 10/12/2018) |
| 10/12/2018 | <u>2</u> | MOTION for Leave to Proceed in forma pauperis filed by William Mabie. (cjo) (Entered: 10/12/2018) |
| 10/12/2018 | <u>3</u> | Notice of Judge Assignment. Judge Staci M. Yandle and Magistrate Judge Donald G. Wilkerson assigned. All future documents must bear case number 18-1939-SMY-DGW. If the parties consent to Magistrate Judge assignment, the consent form with instruction is attached for your convenience. Refer to the pro se litigant guide, found on the ILSD website, for further information. (Attachments: # <u>1</u> |

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| | | Letter to Plaintiff)(cjo) (Entered: 10/12/2018) |
| 10/30/2018 | <u>4</u> | CONSENT/NON-CONSENT TO U.S. MAGISTRATE JUDGE – sealed pending receipt from all parties. (cjo) (Entered: 10/30/2018) |
| 11/28/2018 | <u>5</u> | Letter from Plaintiff. (related document <u>2</u> MOTION for Leave to Proceed in forma pauperis filed by William Mabie) (cjo) (Entered: 11/29/2018) |
| 01/08/2019 | <u>6</u> | Case reassigned to Magistrate Judge Mark A. Beatty. Magistrate Judge Donald G. Wilkerson no longer assigned to the case. (jaj) (Entered: 01/08/2019) |
| 01/10/2019 | <u>7</u> | ORDER: Plaintiff has filed a Motion for Leave to Proceed In Forma Pauperis ("IFP") in this case (Doc. <u>2</u>), but has failed to provide the necessary certified prisoner trust fund account information as required by the PLRA to determine whether the inmate is entitled to proceed without prepaying fees and costs. Pursuant to 28 U.S.C. Section 1915(b)(1), the Court must review the prisoner trust fund account statement for the 6 month period immediately preceding the filing of this action. IT IS THEREFORE ORDERED that Plaintiff shall provide the Clerk of Court with the attached certification completed by the Trust Fund Officer at the facility and a copy of his/her trust fund account statement (or institutional equivalent) for the period 3/1/2018 TO 10/12/2018 no later than 45 days from the date of this order. Failure to do so will result in dismissal of this action for failure to comply with an Order of this Court. Fed. R. Civ. P. 41(b). <i>See generally Ladien v. Astrachan</i> , 128 F.3d 1051 (7th Cir. 1997); <i>Johnson v. Kamminga</i> , 34 F.3d 466 (7th Cir. 1994). The Clerk is DIRECTED to mail a copy of this Order and the certification form to the Trust Fund Officer at United States Penitentiary, Marion. Signed by Judge Staci M. Yandle on 1/10/2019. (bps) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/10/2019) |
| 02/04/2019 | <u>8</u> | Prisoner Trust Fund Account Statement filed by William Mabie. (cjo) (Entered: 02/06/2019) |
| 02/25/2019 | <u>9</u> | NOTICE of Change of Address by William Mabie rom USP Marion to AUSP Thomson. (jaj) (Entered: 02/25/2019) |
| 03/28/2019 | <u>10</u> | Prisoner Trust Fund Account Statement by William Mabie. (jaj) (Entered: 03/28/2019) |
| 04/16/2019 | <u>11</u> | ORDER GRANTING <u>2</u> Motion for Leave to Proceed in forma pauperis. Clerk of Court to effect service of process. Signed by Judge Staci M. Yandle on 4/16/2019. (sgp) (Entered: 04/16/2019) |
| 04/16/2019 | <u>12</u> | Summons Issued as to FBI, US Attorneys Office and US Bureau of Prisons. Copy of summons also sent to United States Attorney General as directed in the order at document 11. (trb) (Entered: 04/17/2019) |
| 04/23/2019 | <u>13</u> | SUMMONS Returned Executed US Attorneys Office served on 4/19/2019, answer due 6/18/2019. (cjo) (Entered: 04/23/2019) |
| 04/26/2019 | <u>14</u> | SUMMONS Returned Executed FBI served on 4/23/2019, answer due 6/24/2019; US Bureau of Prisons served on 4/23/2019, answer due 6/24/2019. (cjo) (Entered: 04/26/2019) |
| 05/08/2019 | <u>15</u> | NOTICE of Appearance by Nicholas J. Biersbach on behalf of FBI, US Attorneys Office, US Bureau of Prisons (Biersbach, Nicholas) (Entered: 05/08/2019) |
| 05/08/2019 | <u>16</u> | MOTION to Dismiss for Lack of Prosecution <i>Defendants' Motion to Dismiss for Failure to Prosecute and for Failure to Comply with Court Order</i> by FBI, US Attorneys Office, US Bureau of Prisons. Responses due by 6/10/2019 (Biersbach, Nicholas) (Entered: 05/08/2019) |
| 05/08/2019 | <u>17</u> | MOTION to Stay <i>Answer Deadlines</i> by FBI, US Attorneys Office, US Bureau of Prisons. (Biersbach, Nicholas) (Entered: 05/08/2019) |
| 05/21/2019 | <u>18</u> | ORDER DENYING without prejudice Motion to Dismiss for Lack of Prosecution (Doc. <u>16</u>) and DENYING Motion to Stay (Doc. <u>17</u>). Signed by Judge Staci M. Yandle on 5/21/2019. (sgp) (Entered: 05/21/2019) |
| 05/21/2019 | <u>19</u> | MOTION for Extension of Time to File Answer by FBI, US Attorneys Office, US Bureau of Prisons. (Biersbach, Nicholas) (Entered: 05/21/2019) |

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| 05/22/2019 | <u>20</u> | ORDER GRANTING MOTION for Extension of Time to File Answer filed by FBI, US Attorneys Office, US Bureau of Prisons (Doc. <u>19</u>). FBI answer due 6/14/2019; US Attorneys Office answer due 6/14/2019; US Bureau of Prisons answer due 6/14/2019. Signed by Judge Staci M. Yandle on 5/22/2019. (sgp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 05/22/2019) |
| 06/03/2019 | <u>21</u> | RETURN OF SERVICE EXECUTED on 04/23/2019 as to FBI. (cjo) (Entered: 06/05/2019) |
| 06/13/2019 | <u>22</u> | MOTION to Substitute Party <i>Motion to Substitute EOUSA as a Defendant for the USAO/EDMO</i> by US Attorneys Office. (Biersbach, Nicholas) (Entered: 06/13/2019) |
| 06/13/2019 | <u>23</u> | MOTION for Order to <i>Defendants' Motion for Entry of Order Imposing a Summary Judgment/Dispositive Motion Deadline</i> by FBI, US Attorneys Office, US Bureau of Prisons. (Biersbach, Nicholas) (Entered: 06/13/2019) |
| 06/14/2019 | <u>24</u> | ANSWER to <u>1</u> Complaint <i>Defendants' Answer and Affirmative Defenses to Plaintiff's Complaint</i> by FBI, US Attorneys Office, US Bureau of Prisons.(Biersbach, Nicholas) (Entered: 06/14/2019) |
| 06/14/2019 | <u>25</u> | MOTION for Partial Summary Judgment <i>by Defendants EOUSA & BOP</i> by US Attorneys Office, US Bureau of Prisons. Responses due by 7/18/2019 (Attachments: # <u>1</u> Exhibit A – Declaration of Erika Fenstermaker with Attachments 1 – 6, # <u>2</u> Exhibit B – Declaration of Ebony Griffin with Attachments 1 – 4, # <u>3</u> Exhibit C – Declaration of Karen Schroeder)(Biersbach, Nicholas) (Entered: 06/14/2019) |
| 06/14/2019 | <u>26</u> | NOTICE by US Attorneys Office, US Bureau of Prisons <i>Notice to Pro Se Plaintiff of Consequences of Failing to Respond to Defendants' Partial Motion for Summary Judgment</i> (Biersbach, Nicholas) (Entered: 06/14/2019) |
| 07/12/2019 | <u>27</u> | CJRA TRACK B assigned: Final Pretrial Conference set for 8/19/2020 at 1:30 PM and Bench Trial set for 8/31/2020 at 9:00 AM in Benton Courthouse before Judge Staci M. Yandle. (Attachments: # <u>1</u> Consent to Magistrate Judge)(slh) (Entered: 07/12/2019) |
| 09/17/2019 | <u>28</u> | MOTION to Dismiss <i>as Sanctions for Bad Faith Conduct</i> by FBI, US Attorneys Office, US Bureau of Prisons. Responses due by 10/21/2019 (Attachments: # <u>1</u> Exhibit A – Mailing Dated May 13, 2019, # <u>2</u> Exhibit B – Mailing with Writing on Certificate of Service, # <u>3</u> Exhibit C – Mailing Received September 16, 2019)(Biersbach, Nicholas) (Entered: 09/17/2019) |
| 10/02/2019 | <u>29</u> | MOTION for Summary Judgment <i>Motion for Partial Summary Judgment by Defendant FBI</i> by FBI. Responses due by 11/4/2019 (Attachments: # <u>1</u> Exhibit 1 – Hardy Declaration, # <u>2</u> Exhibit 2 – Fenstermaker Declaration)(Biersbach, Nicholas) (Entered: 10/02/2019) |
| 10/02/2019 | <u>30</u> | NOTICE by FBI <i>Notice to Pro Se Plaintiff of Consequences of Failing to Respond to Defendant FBI's Partial Motion for Summary Judgment</i> (Biersbach, Nicholas) (Entered: 10/02/2019) |
| 10/07/2019 | 31 | ORDER granting <u>22</u> Motion to Substitute Party. ; granting <u>23</u> Motion for Order. The Clerk is DIRECTED to substitute EOUSA as Defendant for the USAO/EDMO. Signed by Magistrate Judge Mark A. Beatty on 10/7/2019. (jer)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 10/07/2019) |